

REMARKS/ARGUMENTS

The Office Action mailed March 25, 2004 has been received, its contents carefully noted, and applied citation thoroughly studied. Accordingly, the following remarks/arguments and attached terminal disclaimer, are tendered with the conviction that all rejections have been overcome and the Examiner is respectfully requested to favorably receive this amendment, entering it into the subject application. Hence, all rejections tendered by the Examiner in the above-referenced Office Action are hereby respectfully traversed and reconsideration is respectfully requested.

Double Patenting Rejection

The Examiner had rejected claims 8 through 24 under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1 through 7 of U.S. Patent No. 6,651,410.

The Examiner is invited to note that undersigned has included herewith a Terminal Disclaimer (Form PTO/SB/26 approved for use through 7/31/2006) to Obviate the Double Patenting Rejection over U.S. Patent No. 6,651,410.

Accordingly, withdrawal of the obvious-type double patenting rejection of claims 8 through 24 is respectfully requested.

Notwithstanding the above, the Federal circuit held that, in legal principle, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither a presumption of obviousness nor an estoppel against contesting the merits of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991).

Other Citations

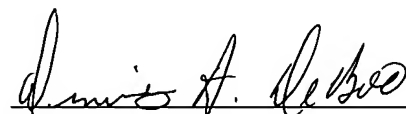
With respect to the other citations that the Examiner had cited to show the state of the art further, general agreement appears to exist with respect to their limited applicability. Hence, further commentary on these non-applied citations will not be made at this time so as to not further burden the record. Suffice to say, however, that these references when considered singly or in any conceivable combination ***do not*** teach nor render obvious the nexus of patentability as defined in the claims now before the Examiner.

Conclusion

It is undersigned sincere belief that all issues raised by the Examiner in the last Office Action have been satisfactorily addressed herein. Therefore, in view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned and suggest a convenient time when an **interview** may be conducted to expeditiously resolve same.

Dated: September 24, 2004

Respectfully Submitted:



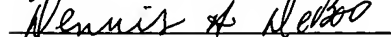
Dennis A. DeBoo

Telephone (916) 419-5498

Registration No.: 42,471

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee service Under 37 C.F.R. §1.10, mailing label #ED 032182185 US, with sufficient postage, in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450 Alexandria, VA 22313-1450; on **September 24, 2004**.

By: Dennis A. DeBoo


(Signature)